

Minutes: BID OPENING, November 28, 1983
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Ron Johnson	\$75,669.35
R.W. Davis Construction	\$90,437.50
Dunn Construction	\$91,159.94
K & P Plumbing	\$96,155.00

The apparent low bidder was Skyline Construction. Mr. Quick read Skyline Construction's itemized bid of schedule 1. He stated that the Engineer's estimated cost was \$66,000.00. City Engineer John Quick stated that it would take approximately 2 days for him to review the bid and to make sure everything is in order. He stated that he could report to the Council Monday, December 4, 1983, for the Council's action.

Mr. Leon Van Sickle, Skyline Construction, stated that this bid could be guaranteed up to 120 days. Contract items were discussed.

The meeting adjourned at 6:18 p.m.

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD DECEMBER 5, 1983

PRESENT

Grant S. Nielson	Mayor
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT

Max Bennett	Council Member
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OTHERS PRESENT

Warren Peterson	City Attorney
Jim Allan	City Administrator
John Quick	City Engineer
Dorothy Jeffery	City Recorder
Sherri Terrell	City Secretary
Kjell Jenkins	Councilman Elect
Neil Dutson	Councilman Elect
Craig Greathouse	Councilman Elect
Martin Ludwig	City Resident
Sharleen Brunner	City Employee
Tommy Greenwood	Utah Power & Light Co.
Leon Van Sickle	Skyline Construction
Gary Garrett	Garrett Sewer & Septic
Tony Garrett	Garrett Sewer & Septic
Jim Stephensen	Juab County Deputy Sheriff
David H. Carter	Juab County Sheriff
Jim Fletcher	KNAK Radio Station

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Mayor Nielson called the meeting to order at 7:02 p.m. Notice of the meeting time, place and agenda were posted at the City Office and was provided to the Millard County Chronicle, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two (2) days prior to the meeting.

MINUTES

The minutes of the November 21, 1983, Regular City Council Meeting were discussed and corrected by the Council. Councilman Willis Morrison MOVED and Councilman Don Dafoe SECONDED the motion to approve the November 21, minutes as corrected. The motion carried unanimously.

The minutes of the November 21, 1983, bid opening for water and sewer improvements in Delta City Special Improvement District 1983-1 were discussed and corrected. Councilman Don Dafoe MOVED to accept the minutes as corrected. Council Member Ruth Hansen SECONDED the motion, which passed unanimously.

The minutes of the November 21, 1983, public hearing regarding the proposed amendment to Zoning Ordinance 81-26 were discussed and corrected by the Council. Councilman Don Dafoe MOVED and Councilman Don Bird SECONDED the motion to accept the minutes as corrected. The motion carried unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery presented the list of accounts payable, which as corrected, went as follows:

CONTEL	City Office	295.89
CONTEL	FD	290.10
CONTEL	PD	323.89
CONTEL	Mach Shed	93.30
CONTEL	City Office	752.42
CONTEL	FD	73.72
UP&L	Airport	100.49
COREY LUMBER	Streets	Shovels 16.38
LOSEE LUMBER	Streets	Sheetrock 9.49
SCHOLZEN PRD.	Water	Misc. Supplies 338.29
LITERARY GUILD	Library	Book 14.13
DUWILL PUBLISHING	Council	Public Hearing 11/21 36.00
SO UT OFFICE SUP	City Bldg	Calendar refil 6.75
DELTA AUTO	Water	Brush/air couplers 8.74
COREY LUMBER	Water	Misc/plugs 4.70
FARMERS SUPPLY	Water	Macs 5.99
DELTA AUTO	Streets	Muffler clamps/pipe 32.35
QUALITY HARDWARE	Irrigation	Plumbing supplies 7.13
QUALITY HARDWARE	FD	Switch 3.45
DELTA AUTO	Airport	Tools 47.84
DELTA AUTO	Shop	WD-40/cleaner/oil 21.95
DELTA AUTO	Parks	Hammer/gasket/scraper 36.77

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DOVES	Sewer	Red dye	2.06
DELTA AUTO	Sewer	Flashlights/batteries	44.34
PETERSON SERVICE	Police	Repair trans. line	16.10
DELTA AUTO	Streets	Misc for dump truck	33.49
WESTERN ROAD	Streets	Hydraulic pump	265.00
CO-OP	Shop	Acetylene/oxygen	44.77
WYCOFF	City Bldg	Freight for supplies	5.55
INTERMNT FARMERS	Airport	Posts/stays	81.01
CO-OP	Airport	Posts	68.75
CO-OP	Bldg Inspct	Tire repair	3.00
DELTA AUTO	Sewer	Replacement tools	255.77
DELTA AUTO	Water	Replacement tools	255.76
UT CHPT ICBO	Bldg Inspct	Western Woods Use Bk	25.00
DUWILL PUBLISHING	Council	Job - Police/P&Rec	235.30
SEVIER OFFICE SUPPLY	City Bldg	Copy paper	8.55
L.N. CURTIS	FD	Nose cup kit	49.62
RIDING FORD	Police	Hubcap	30.40
QUALITY IGA	Recorder	Index tabs	2.07
PORTRAITS FOREVER	Police	Pictures	14.00
DELTA SPORTS CENTER	Police	Clay pigeons/thrower	110.84
CHIEF POLICE ASSN.	Police	Membership	30.00
INTER ASSO CHIEF	Police	Membership renewal	58.00
MASTER MUFFLER	Police	Service Car #7	18.50
MASTER MUFFLER	Police	Repair Car #4	15.00
QUALITY HARDWARE	Police	Batteries	22.62
LAW ENFRC SYSTEM	Police	Traffic viol record	14.50
BAKER PHARMACY	Police	Index cards/glue	4.49
CHEVRON	Police	Tire change	2.10
SEVIER SCHOOL	Police	Files/cards/binders	43.41
QUALITY IGA	Police	Supplies	5.02
PETERSONS SERVICE	Police	Tire repair	12.27
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		TOTAL	\$4,297.03

Councilman Don Bird MOVED and Councilman Don Dafoe SECONDED the motion to pay the corrected list of accounts payable. The motion passed unanimously.

LIABILITY INSURANCE FOR INDIVIDUALS WORKING PUBLIC SERVICE HOURS

City Administrator Jim Allan stated that in order for individuals working for Delta City on public services to be covered by workman compensation insurance, they would have to be paid workers.

City Attorney Warren Peterson stated that insurance coverage should be obtained to cover three types of risks (1) Injury caused to the public by any such worker. (2) Injury to the worker who may be performing public service work, and (3) Injury to co-workers caused by such a worker. The third category, he said, may raise a special problem if the co-worker was also working off a public service sentence.

The Council discussed the coverage that is appropriate and the problems that may raise. Councilman Willis Morrison MOVED that the matter be tabled until

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more information is obtained. Councilman Don Bird SECONDED the motion. The motion carried unanimously.

COMPLAINT OF TRUCKS PARKING WITHIN 30 FEET OF CROSSWALK AT 300 WEST MAIN

City Administrator Jim Allan reported he had informed the manager of Curley's Lounge, located in the area of 300 West Main, that a problem exists with the delivery trucks parking within 30 feet of a crosswalk while making deliveries to that business. He stated that the curb at the crosswalk would be repainted, the curb in front of the fire hydrant would be painted, and that the police officers would issue citations to those in violation.

RESOLUTION REGARDING 7-11 FENCE

A resolution establishing fence specifications at the proposed 7-11 Store was presented to the Council and discussed. Councilman Don Bird MOVED to adopt Resolution 83-100 entitled:

A RESOLUTION PROVIDING SPECIFICATIONS FOR CONSTRUCTION OF A FENCE BY SOUTHLAND CORPORATION AROUND THE PERIMETER OF THE PARCEL ON WHICH A "7-11" STORE IS PROPOSED FOR CONSTRUCTION AND OPERATION IN LOT 2 OF BLOCK 61, DELTA TOWNSITE, PLAT A.

Councilman Don Dafoe SECONDED the motion. Mayor Nielson then called for a roll call vote. The voting was as follows:

Max Bennett	Absent
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

Following the voting Mayor Grant Nielson signed Resolution 83-100 and City Recorder Dorothy Jeffery attested it.

ORDINANCE AMENDING THE SET BACK OF HOMES LOCATED ON CORNER LOTS

An ordinance amending the setback on corner lots in residential zones was presented to the Council and discussed. After a review and discussion of the terms of the proposed ordinance, Councilman Willis Morrison MOVED to adopt Ordinance 83-66 entitled:

AN ORDINANCE AMENDING THE LANGUAGE OF THE ZONING ORDINANCE OF DELTA, UTAH (ORDINANCE NO. 81-26) TO MODIFY THE FRONT YARD SETBACK REQUIREMENTS IN RESIDENTIAL ZONES WITHIN THE CITY OF DELTA AND PROVIDING AN EFFECTIVE DATE FOR SAID AMENDMENT.

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Council Member Ruth Hansen SECONDED the motion. Mayor Nielson then asked for a roll call vote. The voting went as follows:

Max Bennett	Absent
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

Following the voting, Mayor Nielson signed Ordinance 83-66, after which it was attested by City Recorder Dorothy Jeffery.

UTAH POWER & LIGHT COMPANY SERVICE AGREEMENT FOR WATER PUMP #6

Utah Power & Light Company Service Agreement for electrical services to Water Pump #6 located at 200 East 450 South was presented to the Council and discussed. Councilman Don Bird MOVED to authorize Mayor Nielson to sign the agreement when it is properly prepared specifying that the service will include the Water Pump #6, the well house, and controls. Councilman Willis Morrison SECONDED the motion. The motion passed unanimously.

JUAB COUNTY PRISONER HOUSING BILLING

Juab County Sheriff David Carter stated that Juab County has billed several government entities and that none of the entities have failed to provide payment, even though these billings are not required by any written contract. Juab County has never had any problem with payment, he said. He further explained that Delta City police officers had brought many of the prisoners to the Juab County jail and had requested that Juab County house the prisoners.

Discussion on the above was conducted and thereafter, Councilman Willis Morrison suggested that this item be put on next week's agenda, which would allow time to confirm the prisoners housing bill and Delta City's obligation. Councilman Don Dafoe MOVED that City Administrator Jim Allan and Police Chief Greg Cooper review the names on the bills and report to the Council for review and action at the next City Council meeting. Councilman Willis Morrison SECONDED the motion. The motion passed unanimously.

APPROVAL OF STREET LIGHT DESIGN FOR WHITE SAGE SUBDIVISION

Tommy Greenwood, District Manager for Utah Power & Light Company, stated that the street light design for White Sage Subdivision was an IPA negotiated item and will be a customer owned system. Accordingly, Intermountain Power Agency will pay for the street lighting system to be installed, and Delta City will be responsible for the operation and maintenance of the system.

Mr. Greenwood outlined the proposed lighting system, the material needed, and replacement cost of the poles. He stated that Utah Power & Light Company required a letter of agreement from Delta City for the proposed street light design in the White Sage Subdivision.

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Council Member Ruth Hansen MOVED to authorize the Mayor to write a letter to Utah Power & Light Company stating that Delta City is in agreement with the street light design at White Sage Subdivision, and will accept the contract for eleven 9500 high intensity sodium vapor, 100 watt lamps. Councilman Don Dafoe SECONDED the motion, which carried unanimously.

AWARD OF CONTRACT ON THE SPECIAL IMPROVEMENT DISTRICT AT DELTA ESTATES

City Engineer John Quick stated he had conducted a thorough background check on Skyline Construction, the low bidder for the Sewer and Water Improvement Project in Special Improvement District No. 1983-1. He said the Skyline Construction background check was very favorable, although their experience is limited. Mr. Quick recommended that Delta City award the contract to Skyline Construction.

Councilman Don Dafoe MOVED to award the Special Improvement Project contract of Delta Estates on Schedule I to Skyline Construction Company at a bid price of \$65,873.50. Councilman Don Bird SECONDED the motion. The motion carried unanimously.

CLEANING CONTRACT FOR DELTA CITY OFFICES BETWEEN CAROL PARR AND DELTA CITY

City Administrator Jim Allan stated he would like contract between Delta City and Carol Parr for the Delta City Office and the additional offices leased by Delta City in the adjacent building for janitorial service. The Council discussed the service and concurred with having a janitorial services contract prepared for the service to be performed at a cost of \$100.00 per month.

SET DATE FOR FORMER EMPLOYEE'S CITY COUNCIL APPEALS HEARING

The Council discussed dates to hold an appeals hearing concerning an employee who had appealed his termination from the Parks & Recreation Department employment. A hearing date was set for Monday, December 12, 1983, at 6:00 p.m. in the Delta City Office. All Council Members concurred.

DELTA AREA CHAMBER OF COMMERCE PROPOSAL OF FUNDING FOR THEIR SHARE OF OFFICE SPACE

Mayor Nielson stated the Chamber of Commerce had made a proposal asking the City to contribute \$9,307.53 for office space in the City Municipal Building. He stated the contribution would be one-third of the cost and the Chamber of Commerce would pay the remainder, i.e., \$18,615.06. The Council Members agreed that the city's contribution of \$9,307.53 would be credited and would satisfy future Chamber funding contributions from the city for three years.

Councilman Don Dafoe MOVED and Council Member Ruth Hansen SECONDED the motion for City Attorney Peterson to prepare an agreement with the Delta Area Chamber of Commerce stating that Delta City will contribute \$9,305.53 if the Chamber contributes \$18,615.06 to the new City Building and if they

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will not request the city to contribute to the Chamber of Commerce budget for the next three years. Further, if the Chamber of Commerce cannot contribute the remaining \$18,615.06, the contract shall become null and void. The motion carried unanimously with those in attendance.

LIBRARY ORGANIZATION

Council Member Ruth Hansen stated she had talked with four people who would be interested in serving on the Library Board. Miss Hansen requested that a Library Board be organized before the City Library construction is completed.

City Attorney Peterson stated there are two ways to run the Library Board: (1) As a department of the City, or (2) As an independent agency of the City.

Discussion was held concerning how the library should function and how it will be governed. The Council concurred that the Library Board should function as an advisory board and that the Library should be organized as a City department under the City Council.

City Attorney Peterson stated that he would present a proposed ordinance at the next Council meeting.

REPORT NAD DISCUSSION REGARDING NEGOTIATIONS WITH INTERMOUNTAIN POWER AGENCY ON 4 YEAR IMPACT FUNDING CONTRACT

City Administrator Jim Allan reported in detail the status of negotiations with IPP on the 4 year impact alleviation contract. He stated that IPA had offered \$500,000.00 for streets and drainage, as part of their participation in the City's \$6,355,000.00 for the streets and drainage and adopt the impact negotiation contract except for schedule "D", which contain those items yet to be negotiated. He said that IPP has taken the position that if the City does not accept the \$500,000.00 for the streets, the whole package would have to be renegotiated and possibly taken to the Community Impact Board for a decision.

Councilman Don Dafoe MOVED and Council Member Ruth Hansen SECONDED the motion for Delta City to accept the \$500,000.00 for streets as negotiated to include items 11, 12, 13, and 14 in the package, and to continue negotiating on schedule "D", providing the use tax will not be steered away from Delta City.

Mayor Nielson asked for a roll call vote.

Max Bennett	Absent
Don Bird	Abstain
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Abstain

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Mayor Nielson stated that this item should be voted on again when a full quorum is present.

Councilman Willis Morrison MOVED to recess without action and to reconvene tomorrow, Tuesday, December 6, 1983, at 9:00 a.m., in Attorney Peterson's conference room. Councilman Don Dafoe SECONDED the motion, which passed unanimously.

Mayor Nielson reconvened the meeting at 9:10 a.m. Tuesday, December 6, 1983, in the conference room at the Waddingham and Peterson law offices at 362 West Main in Delta, Utah.

PRESENT

Grant S. Nielson	Mayor
Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member
Jim Allan	City Administrator
Warren Peterson	City Attorney
Neil Dutson	Council Member Elect
Sherri Terrell	City Secretary
Jim Fletcher	KNAK Radio

CONTINUATION OF DISCUSSION AND ACTION REGARDING IPP 4 YEAR IMPACT
NEGOTIATION CONTRACT

The Council discussed the funding for the Police Department. The Council concurred that there would be a better response time and better vehicle maintenance if every officer were assigned his own vehicle. Councilman Don Bird MOVED to ratify the present policy that each police officer be issued his own vehicle. Councilman Bennett SECONDED the motion. The motion carried unanimously.

The Council then discussed streets, drainage, pavement, sidewalks, and curb and gutters. If the City accepts IPA's proposed \$500,000.00 for streets and drainage, the City would only be able to maintain existing streets and would not have sufficient funds to complete the streets and drainage program proposed by the City Council. It was noted that the City would have only a marginal chance of winning its case if the issue was taken to the Utah National Resources Community Impact Board for determination under Sections 11-13-29 and 30 Utah Code Annotated (1953) because no statistics have been reported to back up the situation; e.g., traffic count for determination of usage.

The Council discussed the need for a ladder-pumper fire truck for the Fire Department. Although IPA has offered \$80,000.00 to the Fire Department, this would not fund a ladder-pumper fire truck. Therefore, the Council agreed that, if IPA would fund or contribute a ladder-pumper fire truck,

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according to City specifications, the City would go along with the entire contract as negotiated.

City Attorney Peterson was directed to call Roger Stowell of IPA and ask if IPA would be willing to fund a ladder-pumper fire truck for the Fire Department and what IPA's stand would be for funding the Delta Municipal Building telephone system.

After he returned to the meeting, City Attorney Peterson reported that Mr. Stowell had telephoned Carl Haase, and Mr. Haase had agreed for IPA to fund a ladder-pumper fire truck according to Delta City specifications.

Roger Stowell also told Mr. Peterson that IPA would fund 50% of the telephone system in the Municipal City Building, by donating the system presently used in IPP's Delta office, which Mr. Stowell said is worth approximately \$6,000.00.

Councilman Don Dafoe MOVED to accept the comprehensive agreement as negotiated with IPA, in principle, with the following conditions: (1) That the library, zoning enforcement, and airport operation and maintenance budget be moved from schedule "A" to schedule "D" and continue negotiating on the amounts of these items; (2) Accept the proposed telephone system pending investigation of the system to assure that it is suitable for service in the Delta Municipal Building; (3) Accept IPA's offer to furnish or fund a ladder-pumper fire truck meeting Delta City's specifications; (4) Include a clause in the contract that the sales and use tax paid for construction of the Intermountain Power Project will not be steered away from Delta City; (5) Accept the concept that there will one vehicle for each police officer and that capital equipment for any additional officers hired would be funded 100% by IPA; (56) Accept the \$500,000.00 grant for streets and drainage; (7) That IPA fund \$5,064.00 annually for the operation and maintenance of the city computer; and (8) That Delta City would be funded for additional services and facilities if there were an increase caused by the Intermountain Power Project contract. Council Member Hansen SECONDED the motion. Mayor Nielson asked for a roll call vote.

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

The motion carried unanimously.

Mayor Nielson stated that IPA would like to meet with the City negotiating team on Tuesday, December 13, 1983, and with the entire City Council and Councilmembers-elect to go through the contract item by item.

OTHER BUSINESS

The Council discussed job descriptions for personnel. City Administrator Jim Allan stated that he was in the process of putting a manual together


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describing the duties of each employee. A job description would be written for the City Administrator as soon as this process is completed.

The Council discussed the annexation of Sugar Factory Row and areas West of Delta. This would increase the sales tax received by the City. Some of the people on Sugar Factory Row have already paid for sewer connection fees, but are not hooked into the sewer. It was also reported that these areas already receive a number of City services.

City Attorney Peterson stated there are two approaches to take regarding legal action on the BCI Computer System: (1) A formal law suit, or (3) proceed under the Uniform Commercial Code, to sell the goods and apply the money and reimbursement to the City. He stated that the safest course of action is to pursue a lawsuit. Councilman Don Dafoe MOVED to instruct the attorney to proceed with litigation if necessary against BCI Computer to recover the City funds of approximately 430,000.00. Councilman Don Bird SECONDED the motion. The motion carried unanimously.

Councilman Willis Morrison MOVED to adjourn the meeting and Councilman Max Bennett SECONDED the motion. Mayor Nielson adjourned the meeting at 11:38 a.m.


Mayor Grant S. Nielson

City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING, DECEMBER 12, 1983

PRESENT

Grant S. Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Warren Peterson
Dorothy Jeffery

City Administrator
City Attorney
City Recorder